

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 16395
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On January 3, 2002, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing income tax, penalty, and interest for taxable years 1995 through 1998 in the total amount of \$4,151.

The taxpayer filed a timely protest. He did not request a hearing and did not submit additional information. Therefore, the Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

Tax Commission records show the taxpayer was a resident of Idaho who satisfied the filing requirements stated in Idaho Code § 63-3030. He filed an Idaho return for taxable year 2000 as married filing joint, but no other returns could be found.

[Redacted] The information was provided in accordance with Internal Revenue Code § 6103(d) and Idaho Code § 63-3077 [Redacted] records revealed the taxpayer had not filed federal returns for any of the years in question.

Idaho Code § 63-3045 (1)(a) states:

63-3045. Notice of redetermination or deficiency --
Interest. (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be

accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

Because the taxpayer did not file state income tax returns and did not answer correspondence, the Bureau prepared provisional returns and issued a deficiency notice. The income amounts were taken from records retained by the Idaho Department of Labor and the Tax Commission along with income reports submitted to [Redacted] by the taxpayer's employers. Withholding was identified and credited against the resulting tax due.

The taxpayer responded with a letter of protest. He said he had been employed during all years at issue. He said taxes had been taken out each year and "I strongly disagree with being accused of not paying when these should have been fulfilled thru paycheck deductions."

The Bureau responded by letter wherein the taxpayer was asked to complete and return the Idaho income tax returns that were enclosed with the letter. When no response was received, the Bureau sent two additional letters, one dated April 24, 2002 and one dated June 13, 2002; both asked the taxpayer to submit completed Idaho income tax returns. Again, no response was received. The taxpayer's file was transferred to the Legal/Tax Policy Division of the Tax Commission for administrative review.

The Tax Appeals Specialist sent the taxpayer a letter advising him of his appeal rights, which prompted the taxpayer to telephone on August 19, 2002. He said he was going to go to his employer, [Redacted], and get a copy of his W-2s. On September 9, 2002, the taxpayer called again to advise that [Redacted] only keeps one year of W-2s at the store. Employee W-2s for prior years are sent out of state for storage. The taxpayer's file was put on hold for an additional month. The

taxpayer has not contacted the Tax Commission since that time.

Idaho Code § 63-3030 sets out the Idaho filing requirements:

63-3030. Persons required to make returns of income. [EFFECTIVE UNTIL JANUARY 1, 1996] (a) Returns with respect to taxes measured by income in this act shall be made by the following:

- (1) (A) Every resident individual having for the current taxable year a gross income, as defined by section 61(a) of the Internal Revenue Code, of one thousand dollars (\$1,000) or more, except that a return shall not be required of an individual (other than an individual referred to in section 6012(a)(1)(C) of the Internal Revenue Code)—

63-3030. Persons required to make returns of income. [EFFECTIVE AFTER JANUARY 1, 1996] (a) Returns with respect to taxes measured by income in this chapter shall be made by the following:

- (1) Every resident individual required to file a federal return under section 6012(a)(1) of the Internal Revenue Code).
- (2) Any nonresident individual having for the current taxable year a gross income from Idaho sources in excess of two thousand five hundred dollars (\$2,500), or any part-year resident individual having for the current taxable year a gross income from all sources while domiciled in or residing in Idaho, and from Idaho sources while not domiciled in and not residing in Idaho, which in total are in excess of two thousand five hundred dollars (\$2,500);

The taxpayer does not deny he met the Idaho filing requirements. Yet, he has not filed Idaho income tax returns for 1995 through 1998. In fact, the taxpayer has submitted nothing to the Tax Commission for any of the years at issue.

The provisional returns prepared by the Bureau recognized the taxpayer's filing status of single and calculated the tax amounts using the wage amounts reported to the [Redacted]. Idaho withholding that was reported to the Idaho Department of Labor by [Redacted] was allowed to offset a portion of the resulting tax each year.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). Having presented no information in support of his argument, the taxpayer has failed to meet his burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated January 3, 2002, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1995	\$529	\$132	\$273	\$ 934
1996	675	169	292	1,136
1997	697	174	241	1,112
1998	716	179	192	<u>1,087</u>
			TOTAL	<u>\$4,269</u>

Interest is computed through November 1, 2002.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of taxpayer's right to appeal this decision is enclosed with this decision.

DATED this ____ day of _____, 2002.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this _____ day of _____, 2002, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[Redacted]
[Redacted]

[Redacted]
